

### REMARKS

Claims 1-18 are pending in the application, and claims 13-14 and 16 have been withdrawn from consideration. Applicants amend claims 1, 9-10, and 15 for clarification, and add new claims 17 and 18 to more clearly round out the scope of the claimed invention. Applicants refer to page 31 of the specification for exemplary embodiments of and support for the amendments and the new claims. Applicants also amend claims 4 and 5 to correct minor errors. No new matter has been added.

Claims 1, 6-7, 11-12, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,668,019 to Kobayashi et al. Applicants amend claims 1 and 15 in a good faith effort to further clarify the claimed invention as distinguished from the cited reference. The Examiner's rejection is respectfully traversed.

The cited portions of Kobayashi et al. describe a dry etching process accompanied by side etching of a gate electrode 4 illustrated in Fig. 3C of Kobayashi et al. In accordance with the described process, a plasma emission intensity of fluorine radical (F\*) at 704 nm wavelength is monitored for changes, as illustrated in Fig. 13 of Kobayashi et al., to detect an endpoint at which the etching of the gate electrode 4 is finished. Fig. 13 of Kobayashi et al. also illustrates an overetching time for the side etching needed to form the gate electrode 4, where Fig. 14 of Kobayashi et al. illustrates the overetching time needed for a side etching length  $\Delta L$ . Kobayashi et al., as cited and relied upon by the Examiner, describe monitoring a plasma emission for changes only at the 704 nm wavelength, and, therefore, fail to disclose

“forming a film on a semiconductor substrate;  
performing a dry etching process for removing said film  
while monitoring a plasma emission at a plurality of wavelengths;  
wherein said performing said dry etching process includes  
determining an endpoint of said dry etching process based on a  
change of luminous intensity obtained by a correlation of a

plurality of luminous intensities of the plasma emission at said plurality of wavelengths," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 6-7 dependent therefrom, is patentable over Kobayashi et al. for at least the above-stated reasons. Claim 15 includes features that correspond to those of claim 1 cited above, and is, therefore, patentable over Kobayashi et al. for at least the same reasons. Claims 11 and 12 are also patentable over Kobayashi et al. because they depend from claims 9 and 10, respectively, which include features that the Examiner has conceded not to be disclosed in Kobayashi et al.

Claims 2-5 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. in view of U.S. Patent No. 6,703,285 to Arakawa et al. Applicants amend claims 9 and 10 in a good faith effort to further clarify the claimed invention as distinguished from the cited references. The Examiner's rejection is respectfully traversed.

The Examiner relied upon Arakawa et al. as a combining reference to specifically address the additional features of the claimed film materials recited in the rejected claims. As such, the combination of this additional reference would not cure the above-described deficiencies of Kobayashi et al. with respect to claim 1 even if it would have been obvious to one skilled in the art to combine the references. Claims 2-5 and 8 depend from claim 1, and claims 9-10 include features that correspond to those of claim 1 cited above. Applicants, therefore, respectfully submit that claims 2-5 and 8-10 are patentable over the cited references for at least the above-stated reasons with respect to claim 1. Applicants further submit that claims 11-12 and new claims 17-18 are patentable for at least the same reasons as those for their respective base claims.

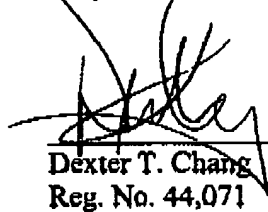
The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically

indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang  
Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

Docket No.: 100806-00250 (NECPW 20.920)

DTC:par